

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PETER STROJNIK,
Plaintiff,

v.

R.F. WEICHERT V, INC.,
Defendant.

Case No. 20-cv-00354-VKD

**ORDER STRIKING SECOND
AMENDED COMPLAINT; DENYING
MOTION FOR BOND AS MOOT**

Re: Dkt. Nos. 33, 35


On January 25, 2021 the Court granted defendant's Rule 12(b)(1) motion to dismiss Mr. Strojnik's First Amended Complaint for lack of standing. Dkt. No. 32. Noting that Mr. Strojnik had already had an opportunity to amend his original complaint, the Court granted leave to file a further amended pleading; however, amendment was limited to additional allegations, if any, "regarding alleged barriers Mr. Strojnik says he encountered in September 2019 that may be clarified on amendment[.]" *Id.* at 12. Without leave of court, Mr. Strojnik has filed a Second Amended Complaint that appears to be based entirely on events that occurred in September 2020, well after the events described in his prior complaints and months after he filed the present action. Dkt. No. 33.

Mr. Strojnik having failed to comply with the Court's prior order granting leave to amend, the Court strikes his Second Amended Complaint. If Mr. Strojnik wishes to file a supplemental pleading based on transactions, events, or occurrences that happened after the filing of his prior complaints, he must file an appropriate motion seeking leave to do so. *See* Fed. R. Civ. P. 15(d). By **April 8, 2021**, Mr. Strojnik shall file an amended complaint that complies with the Court's January 25, 2021 order and/or file a motion seeking leave to file a supplemental pleading. If Mr.

1 Strojnik fails to comply with the April 8, 2021 deadline, this case will be subject to dismissal with
2 prejudice. Defendant's pending motion for an order requiring Mr. Strojnik to post a bond is
3 denied as moot, and the March 30, 2021 hearing is vacated.

4 **IT IS SO ORDERED.**

5 Dated: March 25, 2021

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7 VIRGINIA K. DEMARCHI
8 United States Magistrate Judge
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Northern District of California